

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MILDRED LOUISE WEATHERSPOON

PLAINTIFF

V.

NO. 1:15CV00201-JMV

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying claims for a period of disability and Disability Insurance Benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's ruling from the bench during oral argument, the court finds the ALJ's residual functional capacity ("RFC") determination is not supported by substantial evidence in the record, to the extent it indicates Plaintiff had no limitations associated with the right upper extremity beyond a limitation of occasional overhead reaching. The ALJ failed to conduct a function-by-function assessment of Plaintiff's RFC; and, her RFC determination (as it regards the right upper extremity) is not supported by a medical opinion. On remand, the ALJ shall obtain the opinion of a medical expert in the form of a function-by-function assessment of the claimant's right upper extremity based on all the medical evidence in the record. The ALJ

shall then reconsider the claimant's RFC based on all the relevant evidence in the record. The ALJ may conduct any additional proceedings that are not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 10th day of June, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE